HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO.3648 of 2004.

PETITIONERS

1. Dhela Bai D/o Sakha Ram Gond, aged about _____ years, resident of village Parsada, Tehsil Abhanpur, District Raipur (C.G)
2. Dheli Bai s/o Sakha Ram Gond, aged about _____years, resident of village Kosamkhuta, Tehsil Rajim District Raipur (C.G.)

Versus

RESPONDENTS

1. The State of Chhattisgarh, through the Secretary Department of Revenue, Mantralay, D.K.S. Building, Raipur (C.G.).
2. The Board of Revenue, Chhattisgarh, Bilaspur Through its President, Bilaspur (C.G.)
3. The Sub Divisional Officer, (Revenue) Gariyaband, District Raipur (C.G.).
4. Tehsildar, Fingeshwar, District Raipur (C.G.).
5. Birajo Bai D/o Maharaji Gond, r/o Village Kosamkhuta, Tehsil Rajim, District Raipur (C.G).
6. Biram Bai D/o Maharaji Gond, resident of Village Kosamkhuta, Tehsil Rajim District Raipur (C.G.)

Present : Smt. Renu Kochar, learned counsel for the petitioners.

Shri Utkarsha Verma, learned Dy. G.A., for the State of Chhattisgarh.

Shri Manoj Paranjape, learned counsel for respondents 5 and 6.

ORAL ORDER

(Passed on 22nd December, 2005)

This petition arises out of the mutation proceedings. The Board of Revenue has held against the petitioners. It is well settled that the mutation entries made by the revenue authorities/Courts are always subject to the decree passed by the competent civil Court. Since the

Board of Revenue which is the highest statutory authority under the Chhattisgarh Land Revenue Code, 1959 has held against the petitioner, it is now open for them to institute a suit in the jurisdiction civil Code questioning the correctness of the finding of the Board of Revenue. The decree that may be passed by the civil Code in such suit shall bind the parties and the statutory authorities under the Code and they are duty-bound to correct the entries in terms of the civil Code decree.

2. The writ petition is dismissed subject to the above observations.

Sd/-
Chief Justice

Brajesh